

HB 1441

2012

1 A bill to be entitled
2 An act for the relief of Amie Draiemann Stephenson,
3 individually and as Personal Representative of the
4 Estate of Christian Darby Stephenson, deceased, and
5 for the relief of Hailey Morgan Stephenson and
6 Christian Darby Stephenson, II, as surviving minor
7 children of the decedent; providing an appropriation
8 to compensate them for the wrongful death of Christian
9 Darby Stephenson, which was due in part to the
10 negligence of the Department of Transportation;
11 providing a limitation on the payment of fees and
12 costs; providing an effective date.

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14 WHEREAS, on August 12, 2000, 29-year-old Christian Darby
15 Stephenson was driving a gasoline tanker eastbound on the Hart
16 Bridge Expressway in Duval County, and

17 WHEREAS, at the base of the bridge was a large pool of
18 standing water which was caused by a clogged drain, and

19 WHEREAS, the Department of Transportation was responsible
20 for the maintenance of the drains at that location on the Hart
21 Bridge Expressway, and

22 WHEREAS, as Mr. Stephenson drove over the bridge, a Jeep
23 that was traveling toward the tanker hit the puddle and
24 hydroplaned, and

25 WHEREAS, Christian Stephenson took evasive action to avoid
26 hitting the Jeep and two other vehicles that had been involved
27 in previous accidents and were parked in the striped safety zone
28 alongside the expressway, and

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29 WHEREAS, Mr. Stephenson attempted to make a hard right turn
30 onto the Atlantic Avenue exit so as to avoid those three other
31 vehicles, but, as he tried to take the exit, the gasoline tanker
32 jackknifed, struck the guardrail, overturned, and exploded, and

33 WHEREAS, Christian Darby Stephenson was subsequently
34 pronounced dead at the scene, and

35 WHEREAS, Mr. Stephenson's widow, Amie Draiemann Stephenson,
36 brought suit against the Department of Transportation in the
37 Circuit Court of the Fourth Judicial Circuit, in and for Duval
38 County, Florida, Case No. 01-03428 CA, and, on March 22, 2005,
39 the jury returned a verdict that charged the Department of
40 Transportation with 36 percent of the negligence that was a
41 legal cause of Mr. Stephenson's death, and

42 WHEREAS, the jury verdict states the jury's determination
43 that the total amount of damages sustained by Christian Darby
44 Stephenson's estate is \$1.3 million; the total amount sustained
45 by Amie Draiemann Stephenson, the widow of Mr. Stephenson, is
46 \$763,000; the total amount sustained by Hailey Morgan
47 Stephenson, the surviving minor child of Mr. Stephenson, is \$1
48 million; and the total amount sustained by Christian Darby
49 Stephenson, II, the surviving minor child of Mr. Stephenson, is
50 \$526,000, and

51 WHEREAS, 36 percent of the aggregate sum of the damages
52 awarded to Mr. Stephenson's estate and the named survivors under
53 the final judgment is \$1,292,040, plus taxable costs, and

54 WHEREAS, after the Department of Transportation has paid
55 \$200,000, as allowed under s. 768.28, Florida Statutes, the
56 remainder subject to being awarded under this act is \$1,092,040,

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57 plus taxable costs, NOW, THEREFORE,

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59 Be It Enacted by the Legislature of the State of Florida:

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61 Section 1. The facts stated in the preamble to this act
 62 are found and declared to be true.

63 Section 2. The Chief Financial Officer is directed to draw
 64 a warrant in the sum of \$1,092,040, plus taxable costs, upon the
 65 funds of the Department of Transportation in the State Treasury
 66 not otherwise appropriated, payable to Amie Draiemann
 67 Stephenson, as Personal Representative of the Estate of
 68 Christian Darby Stephenson, to compensate Mrs. Stephenson and
 69 the surviving minor children of Mr. and Mrs. Stephenson, Hailey
 70 Morgan Stephenson and Christian Darby Stephenson, II, for the
 71 wrongful death of Christian Darby Stephenson.

72 Section 3. The amount paid by the Department of
 73 Transportation pursuant to s. 768.28, Florida Statutes, and the
 74 amount awarded under this act are intended to provide the sole
 75 compensation for all present and future claims arising out of
 76 the factual situation described in this act which resulted in
 77 the death of Christian Darby Stephenson. The total amount paid
 78 for attorney's fees, lobbying fees, costs, and other similar
 79 expenses relating to this claim may not exceed 25 percent of the
 80 amount awarded under this act.

81 Section 4. This act shall take effect upon becoming a law.